

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LAWRENCE J. MESITE,
Plaintiff

v.

NEWTON POLICE OFFICER, DAWN HOUGH,
NEWTON POLICE OFFICER, JOANNE BLAY,
NEWTON POLICE OFFICER, DINA VACCA,
CITY OF NEWTON, SUPERINTENDENT,
KENNETH NELSON AND BRIDGEWATER
STATE HOSPITAL
Defendants

CIVIL ACTION
NO. 04-11942-GAO

FILED
IN CLERKS OFFICE
2005 JAN 20 P 12:35
U.S. DISTRICT COURT
DISTRICT OF MASS

MOTION TO DISMISS

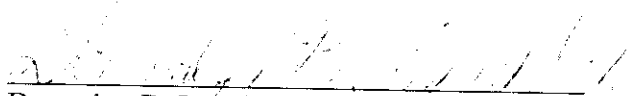
Defendants Newton Police Officers Dawn Hough, Joanne Blay, and Dina Vacca, (collectively the "Police Officers") and the City of Newton (the "City") hereby move, pursuant to Fed. R. Civ. P. 12 (b)(6), for dismissal of the claims against them in the above-captioned matter.

In support of this motion, the Police Officers and the City submit herewith a memorandum of law illustrating that Plaintiff's claims against them are barred by the applicable statute of limitations. The memorandum also illustrates that the claims fail as a matter of law on the face of the Complaint.

WHEREFORE, for the foregoing reasons, the Police Officers and the City respectfully request that the Motion to Dismiss be ALLOWED.

DEFENDANTS,
NEWTON POLICE OFFICERS DAWN HOUGH,
JOANNE BLAY AND
DINA VACCA, AND
THE CITY OF NEWTON,

By their attorney,


Donnalyn B. Lynch Kahn (BBO # 556609)

Assistant City Solicitor
City of Newton Law Department
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Tel: (617) 796-1240

Dated: 